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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002725

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SUBJECT: UPDATE ON IRAQI SITE 4 DETENTION FACILITY

REF: A) BAGHDAD 1960 B) BAGHDAD 2632

Classified By: Rule of Law Coordinator James Yellin for Reason 1.4 (d)

SUMMARY

11. (C) As reported previously, inspections found over 1,400 detainees living in abusive conditions at the Ministry of Interior detention facility known as Site 4. The Ministry of Justice has assumed or will assume custody of the adult detainees, about half of whom remain at Site 4 and about half of whom have been sent to other facilities. The 41 known juvenile detainees have been sent from Site 4 to a Ministry of Labor and Social Affairs (MOLSA) facility.

12. (C) The Minister of Interior told parliament that MOI employees would be "held accountable" for violations of the law, but he has not yet authorized execution of the arrest orders for people implicated in abuses at Site 4.

13. (C) Comment: Placing the detainees from Site 4 under MOJ and MOLSA custody improves their detention conditions and reduces the chances of mistreatment. Continued failure to execute the arrest orders will undermine efforts to strengthen the rule of law. END SUMMARY.

BACKGROUND

14. (C) An Iraqi team, supported by U.S. military and civilian officials, inspected the MOI detention facility known as Site 4 on 8 December 2005, 16 February 2006, and 30 May 2006. During the most recent inspection, the team discovered that conditions had not improved: about 1,457 detainees, including about 41 juveniles, were living in cramped, squalid conditions. Some had been subjected to severe physical abuse.

15. (C) On 5 June 2006, ROL Coordinator, Embassy Legal Adviser and PolMilOff, pursuant to a written order of the Higher Juridical Council, transferred the files of the detainees from Site 4 to a judge of the Central Criminal Court of Iraq.

TRANSFER OF JUVENILE DETAINEES

16. (C) Forty-one juvenile detainees who had been at Site 4 were sent to the Ministry of Labor and Social Affairs juvenile detention facility at Tobchi in Baghdad, according to U.S. officials. No juvenile detainees are known to remain at Site 4.

TRANSFER OF ADULT DETAINEES

17. (C) According to U.S. officials, of the approximately 1,416 adult detainees who were at Site 4 on 30 May:

-- 20 were released;
-- 245 were sent to other MOI sites;
-- 417 were sent to the MOJ prison at Rusafa in Baghdad;
-- 734 remain at Site 4.

18. (C) According to Iraqi officials:

-- All the adult detainees not now in MOJ custody will be placed in MOJ custody after investigative judges review their files.

-- Some of these detainees will be sent to the MOJ prison in Rusafa or to the jail at Baladiyat in Baghdad, which is scheduled to be transferred from MOI to MOJ control in August 12006.

-- Some will be kept at Site 4, which is scheduled to be placed under MOJ control in August 2006.

-- Any detainees with a valid release order or without a valid arrest order will be released.

INVESTIGATION BY MAJOR CRIMES TASK FORCE (MCTF)

19. (C) The Major Crimes Task Force--which consists of Iraqi investigators assisted by FBI and other U.S. investigators--has interviewed 77 adult and juvenile detainees who reported that their jailers at Site 4 had:

-- Forced them to confess to crimes they did not commit:

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-- Beat them with wooden sticks or boards or subjected them to electric shock;

-- Raped them or sodomized them with objects.

110. (C) Many of the juveniles reported being raped multiple times by the same person or persons.

111. (C) A surreptitiously recorded videotape shows a prisoner bound and suspended, pleading for mercy. As an electric charge is administered to his bound hands, his screams muffle out all background noise. Other physical evidence includes a hoist apparently used to suspend prisoners, wooden sticks to beat them, and photographs taken by the MCTF showing injuries suffered by the prisoners.

ARREST ORDERS

112. (C) On 27 June 2006, an Iraqi investigative judge issued arrest orders for 52 people implicated in the abuses at Site 4, including the Commander of the Second National Police Division, Major General Mahdi Sobiah. Minister of Interior Jawad Bolani has still not authorized execution of these arrest orders, despite demarches by U.S. officials. (Two of the 52 people are, however, in custody under a different set of arrest orders.)

113. (U) On 30 July Bolani told the Council of Representatives that "no one is above the law," and that "Ministry of Interior employees will be held accountable before the courts and the Council of Representatives," according to the Arabic language daily Asharq al-Awsat.

COMMENTS

114. (C) The transfer of the detainees to MOJ and MOLSA custody improves detention conditions by reducing overcrowding and the likelihood of mistreatment. Nevertheless, the Iraqis have shown little inclination to

improve MOI detention facilities at their own initiative.
The steps taken to improve conditions of the Site 4 detainees
have been taken largely as a result of U.S. pressure and U.S.
logistic and security support.

¶15. (C) Continued failure to execute the arrest warrants for
people implicated in abuses at Site 4 will undermine efforts
to strengthen the rule of law.
SCOBAY